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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/035,892 | 12/24/2001 | Jonathan K. Jensen | FSP:0012 | 4249 |

7590

04/11/2003

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EXAMINER

SZUMNY, JONATHON A

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-----------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/035,892 | JENSEN, JONATHAN K. | |
| | Examiner | Art Unit | |
| | Jon A Szumny | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10 and 13 is/are allowed.
- 6) ☒ Claim(s) 6-8, 11, 12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second office action for application number 10/035,892, Folding Leg System, filed on December 24, 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14 and 15 both refer to cancelled claim 3. For the purposes of this office action, the Examiner will assume claims 14 and 15 both refer to claim 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons '025.

Parsons '025 discloses a folding leg system (figures 1-3, specification lines 7-8, inherently more than one leg and bracket, also, page 1, lines 97-102) comprising a first bracket (figure 1) mounted on a surface and coupled to a first leg (figure 1) via a first

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pivot bolt (figure 1) such that the leg rotates between up and down positions, a second bracket (figure 1) mounted on a surface and coupled to a second leg (figure 1) via a second pivot bolt (figure 1) such that the leg rotates between up and down positions; wherein the second bracket has a first section in which the second leg may rotate to a down position from an up position and a second section in which the leg is prevented from rotating into the down position from the up position; wherein the first bracket is inherently mounted on the surface across from the second bracket such that the first leg does not contact the second leg when the legs are in the up position and the second leg is in the second section of the second bracket; wherein the first bracket has first and second holes (figure 1); wherein the second bracket has a third hole (figure 1).

Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallin '803.

Wallin '803 discloses a bracket (figure 1) comprising at least two sides (figure 1), each side comprising an aligned first hole (figure 1), each side comprising an aligned slot (figure 1), at least one side comprising an aligned second hole (figure 1), at least one side comprising an aligned third hole (figure 1), and a tab (figure 1).

Allowable Subject Matter

Claims 9, 10 and 13 are allowed.

Claims 14 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Reasons for allowance for claim 9 can be found in a previous office action.

Regarding claim 13, the prior art failed to specifically teach a bracket comprising at least two sides each comprising a first hole aligned to receive a pivot bolt along which a leg may slide between first and second sections of the bracket; the first section formed such that the leg may rotate around the pivot bolt when positioned in the first section; the second section formed such that the leg may not rotate around the pivot bolt when positioned in the second section; a side of the first section comprising a slot aligned to receive a shaft of a locking device when the leg is rotated to a down position; the side of the first section comprising a second hole aligned to receive a locking pin of the locking device when the shaft of the locking device is positioned in the slot; and the side of the first section comprising a third hole aligned to receive the locking pin of the locking device when the shaft of the locking device is not positioned in the slot.

Response to Arguments

On the bottom paragraph of page 6 of the remarks regarding the rejection of claims 6-8 as being anticipated by Parsons '025, the applicant alleges "Many features of the claims are simply absent from Parsons. In particular, Parsons fails to teach the second bracket having a first section in which the second leg may rotate to a down position from an up position and a second section in which the leg is prevented from

rotating into the down position from the up position, the second bracket adapted so that the second leg may slide along the pivot bolt from the first to the second sections.”

The Examiner clearly disagrees.

Parsons '025 states in lines 97-102 of page 1 that one of the brackets/mechanisms is mounted to each of four corners of a table. It is therefore assumed that each bracket/mechanism is identical in structure. Therefore, with reference to figure 1 of Parsons '025 (a copy of which was previously provided by the Examiner), Parsons '025 does in fact teach such first and second sections wherein the second leg can rotate in the first section and cannot rotate in the second section and can slide along the pivot bolt from the first to the second sections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
April 9, 2003



RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355-3632